

105TH CONGRESS
1ST SESSION

H. R. 640

To amend the wetland conservation provisions of the Food Security Act of 1985 and the Federal Water Pollution Control Act to permit the unimpeded use of privately owned crop, range, and pasture lands that have been used for the planting of crops or the grazing of livestock in at least five of preceding ten years.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1997

Mr. HOSTETTLER (for himself, Mr. COMBEST, Mr. BARRETT of Nebraska, Mr. GOODLATTE, Mr. SOUDER, Mr. MCINTOSH, Mr. BURTON of Indiana, Mr. SMITH of Michigan, Mr. LEWIS of Kentucky, Mr. BAKER, Mr. MCCRERY, Mr. MCHUGH, Mr. HERGER, Mr. ROYCE, Mr. BONILLA, Mr. RIGGS, Mr. LATHAM, Mr. BARR of Georgia, Mr. CHRISTENSEN, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the wetland conservation provisions of the Food Security Act of 1985 and the Federal Water Pollution Control Act to permit the unimpeded use of privately owned crop, range, and pasture lands that have been used for the planting of crops or the grazing of livestock in at least five of preceding ten years.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Agricultural Lands Protection Act of 1997”.

4 (b) FINDINGS.—The Congress finds the following:

5 (1) The Fifth Amendment to the United States
6 Constitution provides that no person may be de-
7 prived of their property without due process of law,
8 nor shall private property be taken for public use
9 without just compensation.

10 (2) Accordingly, great care must be taken in
11 making wetlands declarations lest private property
12 owners be deprived of the legitimate use of their
13 property.

14 (3) The history of wetlands declarations under
15 Federal law, and the restrictions upon land declared
16 to be wetlands, have resulted in an environment
17 where uncompensated takings by the Federal Gov-
18 ernment of the land of America’s farmers are pos-
19 sible.

20 (4) Such uncompensated takings of agricultural
21 land must be curtailed.

1 **SEC. 2. EXCLUSION OF HEAVILY USED AGRICULTURAL**
2 **LANDS FROM DEFINITIONS OF WATERS OF**
3 **THE UNITED STATES AND NAVIGABLE WA-**
4 **TERS UNDER THE FEDERAL WATER POLLU-**
5 **TION CONTROL ACT.**

6 Section 404 of the Federal Water Pollution Control
7 Act (33 U.S.C. 1344) is amended by adding at the end
8 the following new subsection:

9 “(u) In addition to the exceptions provided in sub-
10 section (f), the terms “waters of the United States” and
11 “navigable waters”, as used in this Act, shall not include
12 any privately owned crop, range, or pasture lands that
13 have been used for the production of crops or the grazing
14 of livestock in not less than five of the immediately preced-
15 ing ten calendar years.”.

16 **SEC. 3. EXCLUSION OF HEAVILY USED AGRICULTURAL**
17 **LANDS FROM SWAMPBUSTER REQUIRE-**
18 **MENTS.**

19 Section 1222(b) of the Food Security Act of 1985
20 (7 U.S.C. 3822(b)) is amended—

21 (1) in paragraph (1), by adding at the end the
22 following new subparagraph:

1 “(I) Any privately owned crop, range, or
2 pasture land that has been used for the produc-
3 tion of an agricultural commodity or the graz-
4 ing of livestock in not less than five of the im-
5 mediately preceding ten calendar years.”; and

6 (2) in paragraph (2), by adding at the end the
7 following new subparagraph:

8 “(F) Any privately owned crop, range, or
9 pasture land that has been used for the produc-
10 tion of an agricultural commodity or the graz-
11 ing of livestock in not less than five of the im-
12 mediately preceding ten calendar years.”.

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